

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Name of Patentees: Paul J. BRUINSMA, Suresh BASKARAN, Jagannadha R. BONTA, Jun LIU,

Patent No.: 5,922,299

Patent Issue Date: July 13, 1999

Title of Invention: MESOPOROUS SILICA FILMS, FIBERS AND POWDERS BY
EVAPORATION

Assistant Commissioner for Patents
Washington, D.C. 20231

REISSUE APPLICATION BY THE ASSIGNEE,
OFFER TO SURRENDER PATENT

Battelle Memorial Institute, Inc. is the assignee of the entire interest in the original patent.

I offer to surrender the original patent.

☒ A certificate under 37 CFR 3.73(b) is attached.

I am authorized to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

Name of assignee: Battelle Memorial Institute, Inc.

Signature of person
signing for assignee: Stephen R. May

Date: 1/10/2000

Typed/Printed Name: Stephen R. May
Title: Manager, Intellectual Property Services

094399-01100

STATEMENT UNDER 37 CFR 3.73 (b)

Applicant/Patent Owner: Battelle Memorial Institute, Inc.

Patent No.: 5,922,299

Issue Date: July 13, 1999

Entitled: MESOPOROUS SILICA FILMS, FIBERS AND POWDERS BY EVAPORATION

Battelle Memorial Institute, Inc., an Ohio Corporation, states that it is:

1. ☒ the assignee of the entire right, title and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8864, Frame 0259 or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: 1/10/2000

Signature Stephen R. May
Typed or printed name: Stephen R. May
Title: Manager, Intellectual Property Services

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul J. BRUINSMA, Suresh BASKARAN, Jagannadha R. BONTA,
Jun LIU

Original Patent No.: 5,922,299

Original Patent Issue Date: July 13, 1999

Assistant Commissioner for Patents
Washington, D.C. 20231

REISSUE APPLICATION DECLARATION BY THE INVENTOR

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name. I believe I am the original, first and sole inventor (if only one name listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,922,299, issued July 13, 1999, and for which a reissue patent is sought on the invention entitled MESOPOROUS SILICA FILMS, FIBERS AND POWDERS BY EVAPORATION, the specification of which:

☒ is attached hereto.

☐ was filed on _____ as reissue application number _____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (check all boxes that apply).

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☒ by reason of errors.

At least one error upon which reissue is based is described as follows:

09481988-011100

The original patent application as filed included a limitation in its independent method claim 1 where the combining step (a) uses an "ammonium cation" type surfactant. This limitation appears in all claims of the patent as issued. Applicants failed to appreciate when the application was filed and throughout prosecution of the application that this quoted language significantly limited the scope of applicants' patent protection and that the limitation was not required to render the claim patentable. Only after applicants read U.S. Patent No. 5,858,457 to Brinker, et al. did they appreciate that their own prior invention could be claimed in a different way to obtain a broader scope of protection.

The original patent application as filed also included originally numbered claims 25-28, which were withdrawn as non-elected, with traverse, during prosecution in response to a restriction requirement by the Examiner. These withdrawn claims were not made the subject matter of a co-pending divisional continuing patent application. Applicants failed to realize between the time of receipt of the Notice of Allowance and the time of the payment of the issue fee and issuance of the patent that the patentable subject matter of the non-elected claims had not been made the subject of a divisional continuing patent application.

*Sorry
improper
to
do this*

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Customer No. 20575

<u>Attorney Name</u>	<u>Registration No.</u>
Jerome S. Marger	26,480
Alexander C. Johnson, Jr.	29,396
Alan T. McCollom	28,881
James G. Stewart	32,496
Glenn C. Brown	34,555
Stephen S. Ford	35,139
Gregory T. Kavounas	37,862
Scott A. Schaffer	38,610
Joseph S. Makuch	39,286
James E. Harris	40,013
Graciela G. Cowger	42,444
Ariel Rogson	43,054
Craig R. Rogers	43,888

Direct all telephone calls to James Stewart at (503) 222-3613 and send all
correspondence to:

MARGER JOHNSON & McCOLLOM, P.C.
1030 S.W. Morrison Street
Portland, OR 97205
Phone No.: (503) 222-3613
Fax No.: (503) 274-4622

I hereby declare that all statements made herein of my own knowledge are true and
that all statements made on information and belief are believed to be true; and further that
these statements were made with the knowledge that willful false statements and the like so
made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such
willful false statements may jeopardize the validity of the application, any patent issuing
thereon, or any patent to which this declaration is directed.

//

//

//

09481988-01100

Full Name of first inventor: Paul J. BRUTNSMA

Inventor's signature *Paul J. Brutnsma* Date: *January 8, 2000*

Residence: San Diego, California

Post Office Address: 12565 Pathos Lane, San Diego, California 92129

Citizenship: USA

00110" 886T8460

Full Name of second inventor: Suresh BASKARAN

Inventor's signature Suresh Baskaran Date: Jan 10, 2000

Residence: Kennewick, Washington

Post Office Address: 1002 N. Pittsburgh, Kennewick, Washington 99336

Citizenship: ~~India~~ USA

09481988-01100

Full Name of third inventor: Jagannadha R. BONTHA

Inventor's signature B. Jagannadha Date: 01.10.2000

Residence: Richland, Washington

Post Office Address: 1107 Pompano Court, Richland, Washington 99352

Citizenship: India

001101-011100

Full Name of fourth inventor: Jun LIU

Inventor's signature

Date:

Jan 10, 2000

Residence: Richland, Washington

Post Office Address: 5656 Collins Road, Richland, Washington 99353

Citizenship: P.R.C.

09481988 "011100

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

Please type a plus sign (+) inside this box → ☐

PTO/SB/51S (08-00)

Approved for use through 12/30/2000. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION TO CORRECT "ERRORS" STATEMENT (37 CFR 1.175)	Attorney Docket Number	
	First Named Inventor	
	COMPLETE	
	Application Number	/
	Filing Date	
	Group Art Unit	
	Examiner Name	

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Name of Second Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Name of Third Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Name of Fourth Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

[Page 1 of 1]

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.